

### **REMARKS**

This paper includes a complete and timely response to the non-final Office Action mailed November 28, 2003 (Paper No. 5). Upon entry of the attached amendments, claims 1-3, 5-11, 14-17, and 20-30 remain pending. Claims 1-3, 5-11, and 14-17 have been amended. Claims 4, 12, 13, 18, and 19 have been canceled without prejudice, waiver, or disclaimer. Claims 20-30 have been added. The subject matter in amended claims 1-3, 5-11, and 14-17, and new claims 20-30 is included in FIGs. 1-3, 4A, 4B, 5, and 6 and described in the corresponding portions of the detailed description. Consequently, no new matter is added to the present application.

Applicants respectfully submit that pending claims 1-24, as amended, are patentable over the cited art of record. Accordingly, reconsideration and allowance of the application and presently pending claims 1-24 are respectfully requested.

Each rejection presented in the non-final Office Action mailed November 28, 2003 is discussed in the following remarks.

#### **I. Claim Rejections Under 35 U.S.C. §102 - Claims 1-3; 12-14, 18, and 19**

##### **A. Statement of the Rejection**

Claims 1-3 presently stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Conmy *et al.* (U.S. Patent No. 6,101,480, hereafter "*Conmy*."). Claims 12-14, 18, and 19 presently stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Williams (U.S. Patent No. 5,761,525, hereafter "*Williams*.").

##### **B. Discussion of the Rejection - Claims 1-3**

Applicants respectfully submit that claims 1-3, as amended, are patentable for at least the reason that the cited reference fails to disclose, teach, or suggest each limitation in the amended claims.

It is well established that "anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 Fed 2d 1540, 220 U.S.P.Q. 303, 313 (Fed Cir 1983). The cited reference fails to meet the requirement of a single prior art reference that discloses, teaches, or suggests each feature of the claimed invention.

Claim 1 is exemplary. For convenience of analysis Applicants' independent claim 1, as amended, is repeated on the following page in its entirety.

1. An electronic calendaring device comprising:
  - an interface configured to receive ***a calendar source list generated by a first party, the calendar source list comprising at least one of a source, a delivery format, and a delivery method, wherein the source includes information compiled by a second party,***
  - a collection and distribution unit for accessing the source and retrieving calendar data in accordance with said calendar source list via said interface; and
  - logic configured to incorporate retrieved calendar data into a calendar database in accordance with said calendar source list.

(Applicants' amended independent claim 1 - *emphasis added*.)

The cited art of record fails to disclose, teach, or suggest at least the emphasized element of pending claim 1 as shown above. Consequently, claim 1 is allowable.

Specifically, *Conmy* fails to disclose, teach, or suggest Applicants' claimed interface configured to receive "***a calendar source list generated by a first party, the calendar source list comprising at least one of a source, a delivery format, and a delivery method, wherein the source includes information compiled by a second party.***" More specifically, *Conmy* is silent regarding a calendar source list that comprises at least one of a source, a delivery format, and a delivery method, wherein the source includes information compiled by a second party. The system for scheduling time intervals for a plurality of users on a network apparently described in *Conmy* accesses user profiles in response to a request by a party that wants to schedule a meeting that should be attended by identified users. The accessed user profiles include information regarding available and unavailable time frames for each respective user. *Conmy* does not disclose, teach, or suggest that user profiles contain information other than available and unavailable time frames, *i.e.*, data specific to and generated by each respective user.

In contrast with the apparent teachings of *Conmy*, Applicants' claimed device includes a calendar source list generated by a first party. The calendar source list further comprises a source that includes information compiled by a second party. Accordingly, *Conmy* does not anticipate Applicants' independent claim 1.

Because independent claim 1 is allowable, dependent claims 2 and 3, which depend either directly or indirectly from claim 1, are also allowable for at least the same reasons as

claim 1. See *In re Fine*, 837, F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Accordingly, Applicants respectfully request that the rejection of claims 1-3 be withdrawn.

**C. Discussion of the Rejection - Claims 12-14, 18, and 19**

Applicants have cancelled claims 12, 13, 18, and 19 without prejudice, waiver, or disclaimer. Accordingly, the rejection of claims 12, 13, 18, and 19 are rendered moot.

Applicants respectfully submit that claim 14, as amended, is patentable for at least the reason that the cited reference fails to disclose, teach, or suggest each limitation in the amended claim.

Specifically, *Williams* fails to disclose, teach, or suggest Applicants' claimed interface configured to receive "***a calendar source list generated by a first party, the calendar source list comprising at least one of a source, a delivery format, and a delivery method, wherein the source includes information compiled by a second party.***"

More specifically, *Williams* is silent regarding a calendar source list that comprises at least one of a source, a delivery format, and a delivery method, wherein the source includes information compiled by a second party. The system for scheduling the playback of multimedia presentations apparently described in *Williams* accesses user schedules. The accessed user schedules include information regarding available and unavailable time frames for each respective user to view the multimedia presentation. *Williams*, like *Conmy*, does not disclose, teach, or suggest that user profiles contain information other than available and unavailable time frames, *i.e.*, data specific to and generated by each respective user.

In contrast with the apparent teachings of *Williams*, Applicants' claimed device includes a calendar source list generated by a first party. The calendar source list further comprises a source that includes calendar information compiled by a second party. Accordingly, *Williams* does not anticipate Applicants' dependent claim 14 and claim 14 is allowable. Consequently, Applicants respectfully request that the rejection of claim 14 be withdrawn.

**II. Claim Rejections Under 35 U.S.C. §103(a) - Claims 4-11, and 15-17**

**A. Statement of the Rejection**

The Office Action indicates that claims 4, 5, and 7-10 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Conmy* in view of publication number US 2002/0093540 to *Mariani et al.*

The Office Action further indicates that claim 6 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of *Conmy* and *Mariani et al.* in further view of publication number US 2002/0075524 to Blair, hereafter *Blair*.

The Office Action further indicates that claim 11 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of *Conmy* and *Mariani et al.* in further view of publication number US 2003/0004776 to Perella *et al.*, hereafter *Perella*.

The Office Action further indicates that claim 15 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Williams*.

Lastly, the Office Action indicates that claims 16 and 17 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Williams* and further in view of *Mariani et al.*

**B. Discussion of the Rejection - Claims 4, 5, and 7-10**

Applicants have canceled claim 4 without prejudice, waiver, or disclaimer. Accordingly, the rejection of claim 4 is rendered moot.

Applicants respectfully submit that claims 5, and 7-10, as amended, are patentable for at least the reason that the cited references fail to disclose, teach, or suggest each limitation in the claims.

In order for a claim to be properly rejected under 35 U.S.C. §103, the combined teachings of the prior art references must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). The proposed combination fails to suggest all features of the claimed invention.

Claims 5, and 7-10 depend indirectly from Applicants independent claim 1. As shown above, claim 1 includes “an interface configured to receive *a calendar source list generated by a first party, the calendar source list comprising at least one of a source, a delivery format, and a delivery method, wherein the source includes information*

***compiled by a second party.***” As further shown above, *Conmy* fails to disclose, teach, or suggest at least this element.

The statement of the rejection alleges that *Mariani et al.* (paragraph 66) discloses that an optical scanning device can be used for converting printed calendar information into an electronic format image file. Applicants respectfully traverse this interpretation of *Mariani et al.* *Mariani et al.* apparently describes a system for employing a hierarchical structure to schedule content on a web page that changes over time. The cited paragraph indicates that a host of input devices (not shown) may include a microphone, joystick, game pad, satellite dish, scanner, or the like. Nowhere does *Mariani et al.* disclose, teach, or suggest the nature of the information applied to any of these input devices. Consequently, *Mariani et al.* fails to remedy the failure of *Conmy* to disclose, teach, or suggest at least the emphasized element of Applicants’ claim 1. Thus, dependent claims 5, and 7-10 are not rendered obvious over *Conmy* in view of *Mariani et al.* Accordingly, Applicants respectfully request that the rejection of claims 5, and 7-10 be withdrawn.

#### **C. Discussion of the Rejection - Claim 6**

Applicants respectfully submit that claim 6, as amended, is patentable for at least the reason that the cited references fail to disclose, teach, or suggest each limitation in the claim.

Claim 6 depends indirectly from Applicants’ independent claim 1. As shown above, claim 1 includes “an interface configured to receive ***a calendar source list generated by a first party, the calendar source list comprising at least one of a source, a delivery format, and a delivery method, wherein the source includes information compiled by a second party.***” *Conmy* fails to disclose, teach, or suggest at least this element.

The statement of the rejection alleges that the proposed combination of *Conmy* and *Mariani et al.* discloses the elements of claims 4 and 5. Applicants have amended claims 1 and 2 (claim 6 depends from claim 2) to include elements not disclosed, taught, or suggested by *Conmy* or *Mariani et al.* *Blair* apparently describes a scanner and image data reader coupled to an image management system. Nowhere does *Blair* disclose, teach, or suggest that images scanned into the image management system comprise information compiled by a second party. Consequently, *Blair* fails to remedy the failure of *Conmy* and *Mariani et al.* to disclose, teach, or suggest at least the emphasized

element of Applicants' claim 1. Thus, dependent claim 6, which depends indirectly from claim 1, is not rendered obvious over *Conmy* and *Mariani et al.* in further view of *Blair*. Accordingly, Applicants respectfully request that the rejection of claim 6 be withdrawn.

**D. Discussion of the Rejection - Claim 11**

Applicants respectfully submit that claim 11, as amended, is patentable for at least the reason that the cited references fail to disclose, teach, or suggest each limitation in the claim.

Claim 11 depends indirectly from Applicants' independent claim 1. As shown above, claim 1 includes "an interface configured to receive *a calendar source list generated by a first party, the calendar source list comprising at least one of a source, a delivery format, and a delivery method, wherein the source includes information compiled by a second party.*" *Conmy* fails to disclose, teach, or suggest at least this element.

The statement of the rejection alleges that the proposed combination of *Conmy* and *Mariani et al.* discloses the elements of claims 4 and 5. Applicants have amended claims 1-3, and 8 (claim 11 depends from claim 8) to include elements not disclosed, taught, or suggested by *Conmy* or *Mariani et al.* *Perella* apparently describes a computer-implemented method for providing location and time sensitive calendaring information to a wireless device. Nowhere does *Perella* disclose, teach, or suggest integrating calendar information compiled by a second party. Consequently, *Perella* fails to remedy the failure of *Conmy* and *Mariani et al.* to disclose, teach, or suggest at least the emphasized element of Applicants' claim 1. Thus, dependent claim 11, which depends indirectly from claim 1, is not rendered obvious over *Conmy* and *Mariani et al.* in further view of *Perella*. Accordingly, Applicants respectfully request that the rejection of claim 11 be withdrawn.

**E. Discussion of the Rejection - Claim 15**

Applicants respectfully submit that claim 15, as amended, is patentable for at least the reason that the cited references fail to disclose, teach, or suggest each limitation in the claim.

Claim 15 depends directly from Applicants' independent claim 1. As shown above, claim 1 includes "an interface configured to receive *a calendar source list*

*generated by a first party, the calendar source list comprising at least one of a source, a delivery format, and a delivery method, wherein the source includes information compiled by a second party.” Williams fails to disclose, teach, or suggest at least this element.*

Specifically, *Williams* is silent regarding a calendar source list that comprises at least one of a source, a delivery format, and a delivery method, wherein the source includes information compiled by a second party. Thus, dependent claim 15, which depends directly from claim 1, is not rendered obvious over *Williams*. Accordingly, Applicants respectfully request that the rejection of claim 15 be withdrawn.

#### **F. Discussion of the Rejection - Claims 16 and 17**

Applicants respectfully submit that claims 16 and 17, as amended, are patentable for at least the reason that the cited references fail to disclose, teach, or suggest each limitation in the claims.

Claims 16 and 17 depend directly from Applicants' independent claim 1. As shown above, claim 1 includes “an interface configured to receive *a calendar source list generated by a first party, the calendar source list comprising at least one of a source, a delivery format, and a delivery method, wherein the source includes information compiled by a second party.*” *Williams* fails to disclose, teach, or suggest at least this element.

Specifically, *Williams* is silent regarding a calendar source list that comprises at least one of a source, a delivery format, and a delivery method, wherein the source includes information compiled by a second party. *Mariani et al.*, as shown above, fail to remedy the failure of *Williams* to disclose, teach, or suggest at least the emphasized element of claim 1. Thus, dependent claims 16 and 17, which depend directly from claim 1 are not rendered obvious over the proposed combination of *Williams* and *Mariani et al.* Accordingly, Applicants respectfully request that the rejection of claims 16 and 17 be withdrawn.

### **III. Patentability of New Claims 20-30**

New claims 20-30 are patentable over the cited art of record for at least the reason that the references alone or in combination fail to disclose, teach, or suggest at least the limitation of "identifying a calendar source list associated with a party, the calendar source list comprising a source, a delivery format, and a delivery method, wherein the source includes information compiled by an entity other than the party."


### **CONCLUSION**

In summary, Applicants respectfully request that all outstanding claim rejections be withdrawn. Applicants respectfully submit that all pending claims 1-3, 5-11, 14-17, and 20-30 are allowable over the cited art and the present application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited. Should the Examiner have any comment regarding the Applicants' response or believe that a teleconference would expedite prosecution of the pending claims, Applicants request that the Examiner telephone Applicants' undersigned attorney.

Respectfully submitted,

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